

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

PAULA P. KING BOOKER)	
)	
Plaintiff,)	
)	
v.)	No. 3:01-cv-275
)	Judge Phillips
THE BOEING COMPANY, dba)	
Boeing-Oak Ridge Co.)	
)	
)	
Defendant.)	

**PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITITES RELEVANT
TO BOEING'S SUMMARY JUDGMENT MOTION**

Comes now the Plaintiff, by and through the undersigned counsel, and files notice of the following supplemental authorities in response to Defendant's summary judgment motion.

Hillig v. Rumsfeld, 2004 WL 1909460 (10th Cir. 2004) and *Pennsylvania State Police v. Suders*, --- U.S. ----, 124 S.Ct. 2342, 159 L.Ed.2d 204 (2004), for the proposition that Title VII plaintiffs who allege hostile work environment claims need not allege or prove a tangible employment action as part of a *prima facie* case.

Smith 2v. Kentucky State University, 2004 WL 785280 (6th Cir. 2004) for the proposition that a supervisor's

mere attitude toward a subordinate employee who has engaged in protected activity can constitute actionable retaliation under Title VII.

3 *White v. Burlington Northern & Santa Fe R. Co.*, 364 F.3d 789, 803 (6th Cir. 2004) for the proposition that a transfer to a "dirtier" job at the same salary nevertheless can constitute actionable retaliation under Title VII. This point is also relevant to Plaintiff's claim that Boeing's promotion of a less qualified employee (Ernie Black) constitutes actionable discrimination and retaliation.

4. *Smith v. City of Salem, Ohio*, 369 F.3d 912, 923 (6th Cir. 2004) for the proposition "it is irrelevant" that an adverse employment action was ultimately reversed after its legality was challenged.

Respectfully submitted this 8th day of September,
2004.

Law Office of Herbert S. Moncier

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CERTIFICATE OF SERVICE

I hereby certify that on the date above written, a true and correct copy of the foregoing was filed electronically and notice of filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. All other parties will be served by U.S. Mail.

s/David S. Wigler